

**REMARKS**

Claims 1, 3-19, 21-24 and 26-27 are pending in this application. By this Amendment, claims 1, 7-8, 11, 15, 19 and 23-24 are amended. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, the above amendments incorporate features of dependent claims 7 and 15 into the independent claims. These amendments also minimize the number of issues. Thus, no new issues are raised. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1, 4-8, 10-19 and 21-24 under 35 U.S.C. §103(a) over U.S. Patent No. 6,944,178 to Charriere et al. (hereafter Charriere) in view of newly-cited U.S. Patent Publication 2002/0071407 to Koo et al. (hereafter Koo). The Office Action also rejects claims 3 and 9 under 35 U.S.C. §103(a) over Charriere in view of U.S. Patent Publication No. 2002/0085531 to Herrmann et al. (hereafter Herrmann). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving information corresponding to a data amount of a buffer and a characteristic of data to be transmitted from a plurality of logical channels. Independent claim 1 also recites selecting data to transmit from one of the plurality of logical channels based at least on the data characteristic of each channel, wherein the data characteristic

Reply to Office Action dated August 27, 2007

used to select data from one of the channels includes an amount of re-transmission data that exists for a specific logical channel.

The applied references do not teach or suggest at least these features of independent claim 1, which include features from previous dependent claim 7. That is, the Office Action states that Charriere does not teach or suggest that the data characteristic used to select data from one of the channels represents whether re-transmission data exists for a specific logical channel. The Office Action then relies on Koo's [0128]-[0129] for the missing features of independent claim 1. However, these cited sections merely relate to re-transmission of an RLC-PDU in which side information S1 is assigned to a same channel as a transport channel from which side information S1 was transmitted during an initial transmission (and the transport channels may have different priorities). Koo's cited paragraphs do not teach or suggest an amount of re-transmission data. Additionally, Koo's cited paragraphs do not teach or suggest that a data characteristic used to select data includes an amount of re-transmission data that exists for a specific logical channel.

Still further, the Office Action (on page 7) asserts that Charriere's FIG. 4 and col. 3, line 31-col. 5, line 62 teaches that a MAC\_STATUS\_RSP Primitive includes information representing an amount of re-transmission data. However, the cited section of Charriere does not teach or suggest an amount of re-transmission data. Therefore, the Office Action's assertion is incorrect.

For at least the reasons set forth above, Charriere and Koo do not teach or suggest all the features of independent claim 1. Herrmann does not teach or suggest features of independent

Reply to Office Action dated August 27, 2007

claim 1 missing from Charriere and Koo. Thus, independent claim 1 defines patentable subject matter.

Independent claim 8 recites receiving information corresponding to a data amount of a buffer and a characteristic of data to be transmitted from a plurality of logical channels, and selecting data to transmit from one of the plurality of channels based at least on the data characteristic of each channel. Independent claim 8 also recites that selecting the data comprises: judging whether a logical channel includes re-transmission data, and selecting one of the logical channels based on an amount of the re-transmission data and a priority of the logical channel that includes the re-transmission data.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 8. That is, Charriere and Koo do not teach or suggest “based on an amount of the re-transmission data and a priority of the logical channel that includes the re-transmission data.” Thus, independent claim 8 defines patentable subject matter.

Independent claim 11 recites selecting data of a specific logical channel based on priorities of logical channels and an amount of re-transmission data that exists for each logical channel, and transmitting the selected data from the transport channel.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 11. That is, Charrier and Koo do not teach or suggest based on priorities of logical channels and an amount of re-transmission data that exists for each logical channel. Thus, independent claim 11 defines patentable subject matter.

Independent claim 19 recites receiving information regarding data characteristics of a plurality of logical channels, and selecting one of the logical channels based at least on the data characteristics of each of the logical channels. Independent claim 19 also recites that the data characteristics represent an amount of re-transmission data that exists for a specific logical channel.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 19. Thus, independent claim 19 defines patentable subject matter.

Independent claim 23 recites a plurality of logical channels each to transmit information regarding a data characteristic of the respective logical channel, and a transport channel to select one of the logical channels based at least on the data characteristic of the selected logical channel. Independent claim 23 also recites that the transport channel judges whether the logical channels include re-transmission data and the transport channel selects one of the logical channels based on priorities of the logical channels that include the re-transmission data and an amount of the re-transmission data that exists for the specific logical channels.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 23. That is, Charriere and Koo do not teach or suggest “based on priorities of the logical channels that include the re-transmission data and an amount of the re-transmission data that exists for the specific logical channels.” Thus, independent claim 23 defines patentable subject matter.

Reply to Office Action dated August 27, 2007

Accordingly, each of independent claims 1, 8, 11, 19 and 23 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-19, 21-24 and 26-27 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



David C. Oren

Registration No. 38,694

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3777 DCO/kah

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